



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Racz et al.

**Serial No.:** 10/611,667

**Filed:** July 1, 2003

**For:** APPARATUS AND METHODS FOR  
SENSING AND COOLING DURING  
APPLICATION OF THERMAL ENERGY  
FOR TREATING DEGENERATIVE  
SPINAL DISCS

**Confirmation No.:** 5389

**Examiner:** R. Rollins

**Group Art Unit:** 3739

**Attorney Docket No.:** 2102-5841US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994849787US

Date of Deposit with USPS: August 29, 2005

Person making Deposit: Steve Wong

**RESPONSE TO SPECIES ELECTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

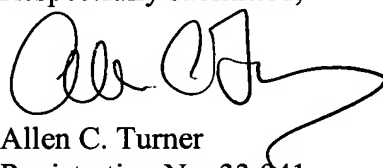
Sir:

Responsive to the Office communication mailed June 28, 2005, entering two separate species elections, applicants first provisionally elect, with traverse, Species I in FIG. 1. Applicants then provisionally elect, again with traverse, Species I in FIG. 2. To the extent the species elections are understood, claims 1-10 and 17-40 are believed to be readable on the provisionally elected species.

The reason for the traversal is that Rule 141 specifically allows for a reasonable number of patentably distinct species to be claimed in a single application, and seven would appear reasonable under the circumstances (*e.g.*, where various kinds of needles are used for the procedures).

In any event, the application should now be in condition for substantive examination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allen C. Turner', with a long, sweeping horizontal stroke extending to the right.

Allen C. Turner  
Registration No. 33,041  
Attorney for Applicants  
TRASKBRITT, PC  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922»

Date: August 29, 2005